IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6426 OF 2005

Vikas D.Gawai. ... Applicant.

Versus.

M/s.Mapro Transport & another. ... Respondents.

Ms.Indrayani Koparkar i/by Shri Nitin P.Deshpande for the Applicant.

Ms.Rajashree Gadhvi, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 24th October, 2005.

P.C.:

1. The Advocate for the Applicant states that the notice has been given to the Advocate appearing for the Respondent No.1. The learned A.P.P. appears for the State.

2. In Criminal Application No.5664 of 2004, while passing the order dated 20th December 2004, this Court recorded that without prejudice to his rights and contentions, the Applicant was ready to deposit Rs.30,000/- in this court and if the Respondent No.1 was willing to withdraw the criminal action against the Applicant, the said amount can be paid over to the Respondent No.1. On 20th June 2005, the Criminal Application No.5664 of 2004 has been dismissed. Therefore, prayer in this Application is for permitting the Applicant to withdraw the sum of Rs.30,000/- which

was deposited in this Court by the Applicant without prejudice to his rights and conditions. In view of what is stated in order dated 20th December 2004, the Applicant is entitled to withdraw the said amount. Accordingly, the Application is allowed in terms of prayer clause (a).

Judge.